

Originally presented claims 1 through 37 are pending. No amendments to the claims have been made by this paper.

Summary of Rejections:

Claims 9-11, 16, 18, 20, 22-25 and 30-32 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 5,997,654 to Murch et al. ("Murch et al.").

Applicants respectfully traverse the rejections.

Objection to Allowable Claims:

Applicants note the indication of allowable subject matter contained in claims 1-8, 12, 15, 17, 19, 21, 26-29 and 33-37. Applicants understand that the objection was interposed because inventors' declaration covered all pending claims 1-37 and was not limited to the above noted allowable claims. For the reasons stated below, applicants respectfully submit that claims 1-37 are allowable and therefore the objection to the claims based on the declaration is obviated.

The Obviousness Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 9-11, 16, 18, 20, 22-25 and 30-32 as being unpatentable over Murch et al. This rejection is respectfully traversed.

Murch et al, discloses cleaning and sanitizing compositions for disinfecting food preparation surfaces and/or for removing soil and unwanted deposits, especially wax, from apples, lettuce and the like. The Murch et al. compositions expressly incorporate ethanol and fatty acids and/or fatty acid salts therein. These constituents, incorporated at

the levels indicated in Murch et al., would have deleterious effect on the mushroom surface tissue and therefore there would be no expectation that the Murch et al. compositions could be used in the present invention for preserving mushrooms. On the contrary, one would anticipate that the Murch et al. compositions would cause tissue or membrane damage to the mushrooms. As the Examiner acknowledged, Murch et al. does not disclose a preservative wash for mushrooms. Murch et al. does not appreciate the delicate nature of the mushroom tissues and the potential tissue damage that would be expected from the use of ethanol and/or fatty acids and/or fatty acid salts such as potassium oleate. Therefore, one skilled in the art would not have been motivated by the disclosure in Murch et al. to develop the mushroom preservation method of the present invention.


For the reasons set forth above, it is respectfully submitted that Murch et al. does not present a prima facie case of obviousness. It is respectfully requested that the rejection over Murch et al. be reconsidered and withdrawn.

Conclusion

Applicants have made an earnest effort to distinguish the claimed invention from the applied document. In light of the foregoing remarks, applicant submits that all of the pending claims are patentable over the art of record and in condition for allowance. It is respectfully requested that the obviousness rejections be reconsidered and withdrawn and the application be allowed.

If a telephone conference would be of assistance in advancing the prosecution of the present application, applicant's undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,



Signature of Practitioner

Reg. No.: 31149
Tel. No.: +1-609-896-3600
Customer No.: 29880

John P. Blasko
Fox Rothschild O'Brien & Frankel LLP
Princeton Pike Corporate Center
997 Lenox Drive, Bldg 3
Lawrenceville, NJ 08648-2311